

# Usage Provisions for the Stadium inside the BORUSSIA-PARK

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## § 1 – Subject Matter of these Provisions – Scope

1. These Usage Provisions for the Stadium have been compiled to ensure the orderly use and infrastructural safety within the BORUSSIA-PARK (hereinafter referred to as “Stadium”).
2. These Stadium Usage Provisions shall apply to the fenced in assembly locations and facilities within the Stadium.
3. The material legal grounds for the Stadium Usage Provisions shall be the principal rights of the owner of the stadium as the organizer within the Stadium.
4. By acquiring an admission ticket for the Stadium, visitors of the Stadium accept these Usage Provisions as binding upon them at the latest when they enter the Stadium.

## § 2 – Purposes

1. The primary purpose of the Stadium is to serve as a venue for sports events. Moreover, it is possible to permit events that are non-athletic events (e.g. concerts). The Usage Provisions shall apply to all events hosted at the Stadium.
2. The general public shall not have a vested entitlement to use the assembly places and facilities of the Stadium.
3. The contracts to be executed on a case by case basis for the use of the Stadium shall be governed by civil law.
4. Borussia VfL 1900 Mönchengladbach shall make all decisions regarding the letting of the Stadium to any third parties.

## § 3 – Presence at the Stadium

1. Only individuals who are in possession of a valid admission ticket or other certificate of entitlement (e.g. honorary card, work ID card) or who can prove their right to be present in any other way shall be permitted to be in the part of the Stadium assigned to the respective event. Children up to the age of 14 shall be admitted only if accompanied by an adult.
2. Upon request, admission tickets and/or authorization certificates shall be presented to the security staff or law enforcement and handed over for verification. Holders of reduced price tickets shall be required to carry with them the identification rendering them eligible for such discounts and to present same upon request. Leaving the event shall render the admission ticket invalid.
3. Visitors of the Stadium shall be required to comply with the seating arrangements indicated on the admission ticket. For safety reasons and in order to prevent hazards or for other material grounds the organizer is not responsible for, visitors to the Stadium shall be required to accept seating in other locations than those indicated on the admission ticket if so instructed by the security staff or law enforcement. This shall in particular apply to spectators of the guest clubs who are not assigned access to areas in the North Curve (home fan group sector) although they may have valid admission tickets. If events are sold out, security staff has instructions not to allow guest fans to access the Stadium.
4. For the presence at the Stadium on non-event days, the provisions specified by Borussia Mönchengladbach shall apply.
5. Anyone under the influence of alcohol, illegal drugs or painkillers, anyone carrying dangerous objects or objects prohibited pursuant to §7 of the Stadium Usage Provisions or who has the intention of jeopardizing the security at the Stadium shall not be given access to the Stadium.
6. In the interest of the safety of the visitors and to prevent hazards, the Stadium and its vicinity are under video surveillance.

#### **§ 4 – Access Checks by Security Staff**

1. Upon entering the Stadium area and at respective check points, every visitor shall be required to present to the security staff admission tickets or authorization identification cards and to hand same over for closer verification upon request.
2. The security staff does have the authority to test/check individuals – also with the assistance of technical resources – to established whether they are a safety risk due to the consumption of alcohol or illegal drugs or because they are carrying with them weapons or fire hazardous objects.
3. Individuals who are unable to prove that they are eligible to be present in the Stadium as well as individuals who present a safety risk, shall be denied access and shall be prevented from accessing the Stadium or shall be ordered to leave the scope of application of the Stadium Usage Provisions.
4. The same shall apply to individuals whose are subject to a stadium access ban in the Federal Republic of Germany. Visitors denied access shall not be entitled to a reimbursement of the price of admission.
5. Club Borussia VfL 1900 Mönchengladbach objects to hostile tendencies against foreigners, other races as well as trends that promote violence or extreme leftist or right-wing stances. Consequently it is possible that individuals whose mere exterior appearance gives the impression of an extremist stance in connection with their political opinions are excluded from events. Factors of exterior appearance shall in particular be typical clothing with topic related logos consisting of various numbers or letter combinations that reveal the stance of the wearer or certain brands that are used as identifiers. It is also possible that individuals who express such extreme stances in the form of flags, patches, propaganda material or call-outs to be excluded from events.

#### **§ 5 – Conduct within the Stadium**

1. Every visitor shall be required to maintain conduct that does not harm or jeopardize others or that hinders or creates nuisances to others in a way that exceeds what is preventable under the circumstances.
2. Visitors shall be required to comply with the instructions of the organizer, the security staff, the stadium announcers, of law enforcement and of fire fighters as well as the regulatory agencies.
3. All zones identified as up and down access routes, transportation routes, escape and emergency routes as well as security walking areas shall be kept clear for the purposes they are intended for.
4. For safety reasons and to avert dangers, visitors shall be required to take other seats than those indicated on their admission tickets (including those in other sections) if so instructed by authorized parties specified in Section 2 or to leave the Stadium and the adjacent exterior facilities.
5. While events are in process, standing in the seating areas shall be prohibited.

#### **§ 6 – Prohibited Activities**

1. The North Curve (Blocks 13-20 in the bottom ranks and 13A-19A in the upper ranks) is the home fan section at the BORUSSIA-PARK. Guest fans are prohibited to be present or stay in this area. The security staff has instructions and the authority to remove spectators identifiable as guest fans or who draw attention to themselves because of their conduct, from this area, even if they have a valid ticket for this section, whereby they may be assigned a suitable other seat in the Stadium if possible on a case by case basis. If the Stadium is sold out, the affected guest fan shall be banned from the Stadium or shall be denied access to the Stadium.
2. The following acts shall in particular be prohibited:
  - a) Expression or distribution of cruel and inhuman statements as well as those promoting violence, racism, hostility towards foreigners, as well as radical right wing or left wing, obscene or provocative insulting statements;
  - b) Forms of greetings that oppose the freedom inherent in fundamental democratic structures and that depict symbols of organizations that violate the German constitution or are hostile towards same;
  - c) Climbing on or climbing over any structures or equipment not intended for general use, in particular facades, fences, walls, boundaries or the arena field, blockages, lighting systems, pedestals, trees, poles of all kinds and roofs;
  - d) Access to areas to which visitors are not permitted access (e.g. the arena field, the interior rooms, the functionary rooms) without the consent of the organizer or law enforcement
  - e) Wearing of clothing that conceals the wearer's identity or masks or carrying of objects aiming at preventing the identity of the wearer and / or wearing of clothing that identifies the wearer as a person with a racist attitude, hostility towards foreigners or a radically right wing stance
  - f) The throwing of objects of any kind;

- g) Lighting of fires, ignition or shooting fireworks, light balls or other pyrotechnical objects, magnesium torches, smoke candles, Bengal fires, smoke powder, smoke bombs etc. in the absence of an official permit or to assist with such activities or to incite such activities;
- h) Performance of any commercial activities, selling, distribution or presentation of newspapers, magazines, printed matters, advertising literature, banners, etc. as well as the storage of objects or performance of collections in the absence of official written permits from the competent authority (e.g. organizer, owner of the Stadium, regulatory agencies). It shall also be prohibited to conduct promotional depictions by individuals or by the way they are dressed or by way of joint illustration;
- i) Recording of sound, images, descriptions or results of the event without the consent of Borussia VfL 1900 Mönchengladbach or to broadcast same in their entirety or in part via the Internet and other media (including mobile services) or to distribute them publicly or to support other individuals in such activities. Photos or images created by spectators during a game shall be used exclusively for personal purposes. Any commercial use, regardless of the method and by whom, shall be subject to prior written consent;
- j) Writing or painting, scratching on buildings, equipment or pathways; adhesion of objects or causing damages to the former, regardless of the method used;
- k) Urinating or defecating outside of restrooms or soiling the Stadium in any other way, in particular by littering;
- l) Driving into the scope of application of these Usage Provisions with motorized vehicles in the absence of a permit or parking in an area therein that is not designated for this purpose;
- m) Using motorized vehicles 2.5 hours prior to the start of a game after participants have been allowed into the Stadium facilities in the absence of the owner of the Stadium;
- n) Erecting, setting up, mounting or storing of objects, in particular the setting up of tents and recreational vehicles as well as camping in the Stadium area overnight;
- o) Obstruction of infrastructural transportation areas, in particular walkways and drives and setting up of commercial booths in the green zones;
- p) Ganging up with others in the vicinity and during events as defined in these Stadium Usage Provisions. A ganging up scene will be presumed to exist if several individuals are gathering with the intent of committing a mutual activity that identifiably aims at disturbing the public peace.

#### **§ 7 – Prohibited Objects**

1. The carrying, keeping available and provision of the following objects is prohibited:
  - a) Cruel and inhuman, racist, hostility towards foreigners expressing, radical right or left wing, violence promoting propaganda material;
  - b) Displaying symbols of organizations that are in violation of or hostile towards the constitution;
  - c) Weapons of any kind;
  - d) Combat weapons or clothing or objects that can be used as combat weapons or intended for the purpose of defending against law enforcement measures of a carrier of such authority based on the circumstances;
  - e) Objects that can be used as weapons or can be thrown as objects to attack others;
  - f) Corrosive, highly flammable substances, dyes or health hazardous solid, liquid or gas substances;
  - g) Bottles, mugs, pitchers or cans made of fragile, splintering or especially hard material (e.g. plastic, PET) ("TetraPak" containers up to 0.5 liters are permitted);
  - h) Alcoholic beverages or illegal drugs of any kind;
  - i) Bulky objects such as ladders, bar stools, chairs, crates, suitcases, Styrofoam blocks, motorcycle helmets;
  - j) Torches, fireworks, light balls, smoke candles, Bengal fires, smoke powder, smoke bombs as well as sparklers or other pyrotechnical objects;
  - k) If a valid flag pass issued by the owner of the Stadium cannot be presented, flags or banner rods exceeding 1.50 meters in length or diameters of 3 cm;
  - l) View obstructing banners brought in with the intention of unrolling the former in order to cover up the performance of illegal acts;
  - m) Mechanically operated noise generators, devices that amplify sound or speaking voices (e.g. fanfares, air or gas operated horns, vuvuzelas, megaphone) or other hazardous objects (e.g. laser pointers);
  - n) Promotional or other commercial objects as well as politically extreme, obscene, provocative and insulting or religious objects of any kind, such as banners, signs, flyers, without the express approval of the organizer;

- o) Devices or equipment that can be used to record video and/or sound;
- p) The organizer shall have the right to seize prohibited items for the duration of the event.
- 2. The bringing along of animals is not permitted.
- 3. The club may grant exemptions from the provisions of §§ 6, 7 if an exception from the rules appears to be justified and is not in conflict with public or safety relevant interests. This shall be contingent upon the timely submission of an application by the affected visitors with the organizer.  
The identity of visitors shall be verified through the inspection of the identification documents and respective notes shall be taken. Home fans shall be issued a so-called "flag pass" subject to certain conditions, which shall legitimize the use and the bringing of the objects into the Stadium.
- 4. The bringing along of medically essential walking aids shall be permitted only in the seating areas and/or designated special locations for safety reasons (keeping clear of escape and emergency responder routes). The security staff is authorized to assign visitors who bring along a walking aid pertinent seating pursuant to §5 Section 4.

#### **§ 8 – Individuals under the Influence of Alcohol or Illegal Drugs**

- 1. In the event that individuals who are under the influence of alcohol or other substances that impair the free will (e.g. illegal drugs or painkillers) should be identified within the scope of application of these Usage Provisions, such individuals may be banned from the affected area or from the Stadium.
- 2. Visitors who are severely drunk (limit: 1.1 ‰), shall not be permitted to stay in the Stadium.
- 3. Beverages may be dispensed in the exterior area of the Stadium only in such containers that are unbreakable and cannot be used as throwing weapons.

#### **§ 9 – Exclusion of Liability**

- 1. Visitors shall enter and use the Stadium at their own risk. The organizer shall assume liability – regardless of the legal grounds – only for damages that have been caused intentionally or as a result of gross neglect by the organizer, the organizer's legal representatives or agents. The organizer shall not assume any liability for damages to persons or objects that have been caused by third parties.
- 2. The above notwithstanding, the organizer must be notified of any accidents and damages immediately.

#### **§ 10 – Violations**

- 1. In the event that an illegal act or misdemeanor of any kind is being suspected, a criminal complaint shall be filed.
- 2. Moreover, individuals who violate any of the provisions of the Stadium Usage Provisions may be banned from the Stadium without compensation, may be banned from being allowed to acquire tickets in the future and may be prohibited from entering the Stadium in the future.
- 3. Borussia VfL 1900 Mönchengladbach shall have the option to demand the payment of a contractual penalty of up to € 2,500 for each violation of the above prohibitions. This shall be without prejudice to further entitlements to compensation for damages.
- 4. In the event that the organizer should become the target of damage compensation claims and/or monetary fines imposed by third parties (DFB/DFL, UEFA, FIFA, etc.) as a result of Stadium visitor misconduct in violations of these Usage Provisions, such claims shall be filed against the party who caused said damages by way of subrogation.
- 5. Prohibited objects carried by visitors shall be seized and returned upon voidance of the prerequisites for seizure if they are not needed for the purpose of a criminal investigation.

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Borussia VfL 1900 Mönchengladbach GmbH

Rolf Königs  
Managing Director

Stephan Schippers  
Managing Director